



SO ORDERED.

SIGNED this 31st day of July, 2012

THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.

Marcia P. Parsons

Marcia Phillips Parsons
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

**IN RE:
IMAGEPOINT, INC.**

Case No. 09-31225

Debtor,

Chapter 7

**IMAGEPOINT, INC.,
BY JAMES R. MARTIN, SECURED CREDITOR**

Plaintiff/Counter-Defendant

vs

Adv. Proc. No. 09-3071

**JP MORGAN CHASE BANK,
NATIONAL ASSOCIATION,**

Defendant/Counter-Plaintiff

**PROPOSED
ORDER GRANTING MOTION TO DISMISS**

Upon the Motion (the "Motion") of JPMorgan Chase Bank, National Association, the defendant in the above captioned adversary proceeding (the "Adversary Proceeding"), for entry

of an Order dismissing the Adversary Proceeding (D.E No. 39 in the Adversary Proceeding); and after due deliberation and consideration of the response thereto of the plaintiff (D.E. No. 42 in the Adversary Proceeding) the reply of defendant thereto (D.E. No. 45 in the Adversary Proceeding) and the arguments of counsel for the defendant and movant, William M. Hawkins of Loeb & Loeb LLP, and for the plaintiff, Robert M. Bailey of Bailey & Bailey, PLLC, at the hearing held before the Court on July 13, 2012; and the Court having found that sufficient cause exists to grant the relief requested in the Motion; now, accordingly, taking further into consideration the consensual withdrawal by the defendant of the counterclaims in the Adversary Proceeding and of defendant's Motion regarding discovery (D.E. No. 40 in the Adversary Proceeding), and for the reasons stated on the record by the Court at the hearing on July 20, 2012,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Motion is Granted.
2. Plaintiff's cause of action is dismissed for lack of standing and lack of bankruptcy court jurisdiction. Said dismissal is without prejudice pursuant to Bankruptcy Rule 7041 and Rule 41(b) F.R.Civ. P.
3. Defendant's counterclaim is dismissed.
4. Defendant's pending discovery Motion is hereby rendered moot.

IT IS SO ORDERED.

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APPROVED FOR ENTRY:

/s/ Robert M. Bailey

Robert M. Bailey, BPR No. 6588
BAILEY & BAILEY, PLLC
P.O. Box 2189
Knoxville, TN 37901-2189
Attorney for Plaintiff/ Counter-Defendant

CERTIFICATE OF SERVICE

I, the undersigned do hereby certify that a true and exact copy of the Proposed Order Granting Motion to Dismiss has been forwarded by activation of the Court's ECF system or by first class mail postage prepaid to the persons listed on this page on this the 30th day of July, 2012.

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/s/ Robert M. Bailey

Robert M. Bailey, BPR No. 6588

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